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WHATCOM COUNTY COUNCIL
Regular County Council

November 10, 2009

Council Chair Seth Fleetwood called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Laurie Caskey-Schreiber, Sam Crawford, Seth Fleetwood, Bob Kelly, L. Ward Nelson and Carl Weimer.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Fleetwood announced there was a **strategy planning discussion and positions to be taken regarding collective bargaining (per RCW 42.30.140 (4)(a)) (AB2009-018)** in executive session during the Committee of the Whole meeting.

Fleetwood announced there was also **consideration of appeal of Hearing Examiner's decision, filed by Simi Jain on behalf of Reijo Salminen, regarding an administrative appeal of notice of penalties (APL2009-0002) (AB2009-362)** in executive session during the Committee of the Whole meeting.

Crawford moved to uphold the Hearing Examiners' decision.

The motion carried by the following vote:

Ayes: Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

Nays: Brenner (1)

SPECIAL PRESENTATION

1. WHATCOM COUNTY SHERIFF BILL ELFO TO PRESENT A "LIFE SAVING AWARD" TO MR. CLAUDE WEDON (AB2009-017)

Bill Elfo, Sheriff, stated Mr. Wedon and Deputy Walker provided medical assistance to Mr. Hannah during the Northwest Washington Fair when Mr. Hannah suffered a heart attack.

Mr. Hannah, citizen, thanked Mr. Wedon and Deputy Walker for saving his life. He was totally flat-lined for ten minutes, and they gave him a second chance.

Elfo read the award and stated that Deputy Walker will receive the Whatcom County Sheriff's Life Saving Award in May.

OPEN SESSION

The following people spoke:

1 Dave Grant, District Court Judge, stated he would address the budget issues before
2 the Council. The proposal to cut \$153,000 from the District Court budget is a concern. He
3 described the operational impacts of such a cut. Probation offers the best value for the level
4 of supervision. Maintain the existing support for the department.
5

6 Tim Slater, 2716 Erie Street, stated he would speak on septic tank inspection rules.
7 A proposed ordinance would amend the inspection requirements. Consider that ordinance
8 seriously. As currently drafted, the rules are unconstitutional. There must be probable
9 cause and a warrant for a mandated inspection. The Council must be more sensitive to
10 constitutional issues. A recent court action in another county is not applicable in Whatcom
11 County's case. Every inspector must submit a report, regardless of the outcome of the
12 inspection. It also violates freedom to contract in a real estate transaction. Parties only
13 have to disclose information about a real estate transaction. This regulation requires
14 completion of any corrective work.
15

16 Matt Elich, District Court Judge, stated he thanks the Council for allowing them to
17 address the Finance Committee earlier today. He agrees with comments from Judge Grant.
18 He thanks the Executive's Office and Finance Division, who have very difficult jobs right
19 now. He hopes they can get through this together. He works closely with others in the
20 criminal justice system. The probation officers do a good job running the most cost-
21 effective jail alternative in the County. If they keep people out of jail, they will keep jail
22 costs down. This will save a lot in jail expenses. Make the right decisions.
23

24 Wendy Harris, Bellingham, stated she supports the Lake Whatcom watershed
25 reconveyance. The State has been negligent and indifferent to the impacts of their forest
26 practices to water quality standards. State forest practices must comply with water quality
27 standards, according to the Clean Water Act. However, the State Department of Natural
28 Resources (DNR) did not amend forest practices to improve or maintain water quality.
29 Ecology recently renewed the 1999 Clean Water Act assurances, hoping DNR can do better
30 than it had in the past ten years. Read the 2009 Clean Water Act Assurances Review.
31

32 David Rhea, 104 Crown Lane, Bellingham, Retired District Court Judge, stated
33 District Court Probation ensures accountability and sentence follow-through. Most caseloads
34 are for driving under the influence (DUI) and domestic violence offenders. These offenses
35 are huge concerns for public safety. They deserve high priority for funding. Early
36 intervention assists in preventing escalation to more serious felony violations. They must
37 have adequate staffing. Offender supervision reduces recidivism.
38

39 Rod Pemble, 2915 Cedarwood, Bellingham, stated move forward with the forestland
40 reconveyance in the Lake Whatcom watershed. It will protect the sole drinking water
41 source for 90,000 residents in the county. A park will not pose the same threat as logging
42 and clear cuts. The proposal is cost-effective. It is less expensive than purchasing 8,000
43 acres in the watershed. The proposal protects the area through the Lake Whatcom
44 landscape plan. All the parties can work out the details for the citizens. Approve the
45 reconveyance to create the Lake Whatcom forest reserve park.
46

47 Terry Lewis, 900 Dupont Street, Bellingham, Lynden Municipal Court Judge, stated
48 he is concerned about proposed budget cuts to the District Court Probation Department.
49 The probation officers do an outstanding job. He described probation officer duties.
50 Probation supervision will prevent more enormous costs later. It's effective in changing
51 behavior and keeping people out of jail. Adequately fund probation services in the county.
52

1 Tim Benson, District Court Probation Officer, stated all employees are asked to do
2 more work with fewer resources. The employees have already agreed to take unpaid leave.
3 Staffing levels are critically low. He supervises about 220 people. The budget cut will
4 reduce probation staff by two full-time equivalent (FTE) employees. Probation Officers are
5 not able to choose their clients. The services are provided to all who are referred by the
6 courts. He understands that the Council and Executive don't want to reduce services or
7 raise taxes, but they can't have it both ways. Consider a small increase in taxes to
8 overcome shortfalls so County employees can continue to provide a high level of service to
9 the community.

10
11 Bruce Deile, homeless in Bellingham, stated that regarding public safety, a group in
12 Anchorage, Alaska, he lived there for 18 years, and he read last week how they're
13 involuntarily committing homeless inebriates into the Salvation Army Cliff Row Center, and
14 requiring mandatory Alcoholics Anonymous (AA) meetings, which he believes is
15 unconstitutional because AA has been shown to be religious. It has been ruled religious by
16 the Supreme Court. Therefore, that's government establishing (*inaudible*) religion. More
17 importantly, meanwhile, the very same day they came out with that in the newspaper on
18 the (*inaudible*) website, a person that had four driving under the influence (DUI) allegedly
19 was drunk again and killed somebody that very day. Here they're making this a priority to
20 involuntarily commit homeless inebriates, drunk in the downtown alley, but they're giving
21 no priority to drunken drivers. They have tolerance of drunken driving in this country for
22 how long, where they tolerate daily loss of limbs, blindness, brain injuries, spinal cord
23 injuries, full body paralysis, horrific burning victims, and on and on. They tolerate this, but
24 they know the countries that have severe punitive measures for drunken driving (*inaudible*)
25 drunken drivers. They need to quit tolerating drunken driving in this country, and get
26 tougher in that. Also, about a year ago, the Union Gospel Mission Director spoke at the City
27 Council meeting, and was calling for the removal of, getting all the homeless people off the
28 streets, out of the libraries, and out of Maritime Park, into a day center during the day, and
29 then at night have them in the mission. Basically what he was saying was get the homeless
30 people out of sight, out of mind, remove them from society. Last night at the City Council
31 meeting, it was proposed to have a homeless camp. Basically, I don't know if they call it an
32 internment camp, but that's how it came across to him. (*Inaudible*). They're saying it's a
33 voluntary camp, but it's not voluntary. If they crack down on trespassing prior to the
34 Olympics coming to Vancouver, which local governments have been known to do. In Salt
35 Lake City and Atlanta, they bussed people out of those places in order to improve the
36 aesthetics. They got the homeless out of there. They didn't do that for Hurricane Katrina.
37 They didn't get those people out of there before the hurricane, but they sure got them out
38 of Salt Lake City and Atlanta before the Olympics. They can do it and they will. What else
39 is happening is that this is an internment camp. They removed the homeless from society.
40 They put them out in these camps and call it voluntarily when it is going to be compulsory.
41 He's completely opposed to this. What they need is single occupancy housing, and now
42 they just elected a more conservative County Council. They're going in the opposite
43 direction with that, because they're not going to give us single occupancy housing. These
44 internment camps, it's inhumane. It harkens back to the Japanese internment camps.

45
46 Christie, citizen, stated she was hit head on by a drunk driver 23 years ago. They
47 need all the probation officers they can get. Instead of putting them in jail, they put them
48 to work.

49
50 Brad May, 2130 James Street, stated he is a domestic violence treatment provider.
51 He supports more funding for probation to ensure accountability for offenders and safety for
52 victims. Safety is the first priority. Probation is part of the community's safety.

53

1 Chris Thompson, 368A Sudden Valley Drive, Bellingham, stated he supports the
2 probation department. He got a DUI one night, and it was the best thing that ever
3 happened to him. He never understood how to live without drinking until the probation
4 department put him through counseling and other requirements. He now knows how to live
5 without drinking. Other people should have the opportunity he had. He was lucky that he
6 didn't hurt anyone, but he easily could have. He is now proud of his life, which is due to the
7 support of the probationary department and diversion program.

8
9 Sylvia Woodbury, Substance Abuse Counselor, stated she works in partnership with
10 the probation department. Most of her patients have legal problems. They need to learn
11 how to live a clean and sober life. Probation helps monitor these people. She appreciates
12 the previous speaker. These people get a new chance at life.

13
14 Carol Dunavan, resident, submitted a handout (*on file*) and stated she is an advocate
15 for domestic violence victims. She is concerned about proposed budget cuts from the
16 probation department. She described her job in assisting domestic violence victims. She
17 often hears that the victims want their partners to stop drinking. That requires a lot of work
18 and collaboration. They must hold people accountable and create safety. She's concerned
19 that level of work won't be possible with a budget cut. Pre-trial supervision helps a person
20 stay in touch with the court process and get help. She agrees with previous speakers.

21
22 Carol Wells, West Coast Counseling and Treatment Center, stated she has contact
23 with probation officers daily. This is the best cooperative probation department they've
24 ever had. Reconsider this issue. She supports the probation department.

25
26 Jo Josephson, Womenscare Shelter Legal Advocate, stated the Probation Department
27 created a specialized domestic violence unit. There is much safety and accountability. They
28 have fewer repeat offenders. Police officers don't get shot. It positively affects the
29 community. The system works. The judges can make more informed decisions based on
30 information from the probation officers. It's not prudent to cut staff. They will feel those
31 effects eventually.

32
33 Peggy Miller, District Court Probation Manager, stated Probation is the workhorse of
34 jail alternatives. She described what the department does. They have cut 40 percent of
35 the clerical staff and one probation officer through attrition. The current proposed budget
36 cuts will eliminate two more probation officers. This will distribute 500 clients to the
37 remaining probation officers. About 175 clients deal with mental illness, which takes a great
38 deal of time of the probation officers. She read a letter from a former client.

39
40 Corrine Fulner-Cullins, citizen, stated her father was recently arrested and had pre-
41 trial supervision. The probation officer worked with her family, so her father got into
42 treatment facilities. They are working on getting him back into society. These things take
43 time. She's very grateful the probation officer and counseling staff have given her family
44 time to get him back on track. The same probation officer will work with her father post-
45 conviction. She appreciates all the work they have done. She's concerned about budget
46 cuts, so the officers won't have time to work with other families.

47
48 Pam Englett, private family law attorney, stated she has two cases that show what
49 happens when they don't have adequate funding for courts. She described her cases.
50 Children are in danger of a domestically-violent parent. Guardians ad litem aren't available
51 to help people because they aren't funded, and parents get desperate to protect their
52 children.

1 Carl Fulner, Lynden, stated his probation officer named Tom has helped him a lot
2 during the past two months. All the probation officers are professional and mindful of their
3 clients. They're willing to work with the clients and help them. He'd never run afoul of the
4 law before, but he's found out what the probation department does. His officer has always
5 taken the time to help him and provide friendship. It would be short-sighted to not fund the
6 system.
7

8 Jim Haigh, 347 Grady Way, Bellingham, submitted a handout (*on file*). He thanked
9 the Council and Executive for working on this difficult budget issue. Fund Superior Court,
10 which is a third branch of government, not just another department. Approve the court's
11 request for additional funding to provide mandated services.
12

13 George Swanaset Jr., 7060 Mission Road, Everson, stated he is in favor of the
14 Whatcom County Probation Department. He is a repeat offender. He hasn't been on
15 probation since 1996, but he would still be offending today without the Probation
16 Department. Probation gave him a chance to better himself. He didn't take advantage of it
17 right away. However, he is a better person now because of probation. He understands the
18 financial difficulties. He hopes the Council finds a way to keep probation as it is.
19

20 Bob Aegerter, 37 Sudden Valley, Bellingham, Whatcom Chapter of Washington
21 Conservation Voters Treasurer, stated he supports the Lake Whatcom forest reserve. It will
22 protect 25 percent of the watershed. The DNR plans to log these lands and build 22 miles
23 of new logging roads. Logging roads damage water quality. The lands contain old growth
24 forest and rare species. This plan will protect water quality and the drinking water source
25 for half county residents. It will protect against landslides, which logging roads create.
26 Logging roads and clear cuts degrade water quality. This is a cost effective way to protect
27 the watershed.
28

29 Steven Solar, 2404 St. Paul Street, Bellingham, stated he is 21 and has more than
30 21 charges on his record. He described the charges on his record, including theft, many
31 assaults, minor in possession and DUI's. He has been locked up periodically since he was
32 14 years old. He was on his way to Walla Walla. He was raised without a father. His
33 mother was addicted to meth and crank. That's how he learned to use drugs intravenously
34 when he was 16 years old. His brothers and sisters were all doing the same drugs. The
35 only men in his life were those who were beat or put in prison. He was taught at a young
36 age to be a coward. He considered weak the part of him that was smart and liked school.
37 He buried that side of him, and didn't resurrect it until the day he became a father. He got
38 a job and started to work hard. It is a struggle every day, and he started to drink more.
39 That's when the assaults happened, and he met his probation officer, Tom Kroontje, who
40 helped him. Tom always took the time to show him another, better way to live. He handed
41 out stiff punishments, but always was there to help him get back on his feet and work hard
42 at changing his life. Since then, he hasn't been in trouble in two years. Mr. Kroontje helped
43 him live a better life. He has not committed an assault since 2007, and will complete his
44 probation next month. He is an example of how the probation office can change lives.
45

46 Pete Dworkin, 900 Dupont Street, Bellingham, stated he is a former County
47 Prosecuting Deputy. He's worked closely with the probation department. The Council must
48 protect the public. Public safety has to be the number one priority, whether it's funding the
49 lake or the probation department. The probation department is integral in keeping
50 Whatcom County citizens safe. District Court is the court that deals with misdemeanor
51 offenses. He described District Court's probation department, which is the front line. The
52 system is bogged down with cases. If a probation department isn't effective, the sentencing
53 alternative is removed. All that's left is to put people in jail and keep them off the street,

1 which protects only for a limited time. The department works daily with offenders to help
2 them change their lives. Cuts will result in reduced service to these people.
3

4 Tom Kroontje, Probation Officer, stated he is humbled and honored to serve the
5 citizens of the county for 25 years. He thanked the Council and Executive for making good
6 decisions for the strong criminal justice system all these years and for giving him the
7 privilege to serve.
8

9 Dan McGreevy, 2003 D Street, City of Bellingham Public Defender, stated Whatcom
10 County Probation monitors his criminal defendants. It's vital to the court. He has the most
11 respect for the department and probation officers. They're model citizens. They often keep
12 people from reoffending. He's seen people turn their lives around because of probation. It
13 keeps a situation from escalating, which would happen without probation. Costs and
14 recidivism would increase. Individuals would reoffend if they aren't held accountable. Fund
15 the department. The probation officers need to spend time with offenders to help them.
16

17 Bob Chambers, Contact Counseling Director, stated two agencies in the County do
18 chemical dependency evaluations. He supports Whatcom County District Court Probation.
19 The main psychological problem of our time is addiction. They are lucky to connect crimes
20 to this judicial system, which supports people in becoming better citizens. There is a
21 connection to treatment. People with chemical dependency don't get well unless their made
22 accountable. During this recession, they've all had to define priorities. They need to keep
23 probation at its current level.
24

25 Jim Bjerke, 114 West Magnolia Street, stated he owns a property management
26 business. Reductions in probation will affect local business. Through his business, he's
27 learned that the criminal justice system is his ally. Cutting funds to the system also cuts
28 the ability of landlords to evict problem tenants. They can't cut funding for the court
29 system. If they need funds, raise property taxes. It's not socially acceptable, but it's
30 practical solution. He owns several properties and will pay more taxes
31

32 Gary Van Brocklin, Acme, stated he's on probation now and is being held
33 accountable. Without having to be accountable to probation, he'd be in the jail system.
34 He's a work in progress. He's been blessed. His kids deserve the help he's gotten from
35 probation.
36

37 Bruce Van Glubt, District Court and Probation Administrator, stated the courts don't
38 get to chose which cases get filed in court. Probation accepts every offender. There is
39 always room for improvement, but they are very efficient. He described the daily tasks of
40 the department. Proposed cuts will be devastating. District Court and District Court
41 Probation have done many things to control expenses. District Court Probation has a
42 profound impact for reducing recidivism in DUI and domestic violence cases. That credit
43 goes to his District Court and District Court Probation staff. He compared his program with
44 the drug court program. Those programs work together and complement each other, but
45 the District Court Probation helps many more people. They are significantly different in
46 size, with the same goals. Support community safety.
47

48 Dan McShane, Grant Street, Bellingham, submitted a handout (*on file*). Move
49 forward with the Lake Whatcom reconveyance. He served on the Landscape Planning
50 Committee with the DNR, which achieved consensus. The landscape plan is not that
51 different from standard forest practice rules. He read the differences from his handout. In
52 the Lake Whatcom watershed, they are allowed to build roads and do clear cuts on

1 potentially unstable slopes. The landscape plan includes a park component. There is risk
2 from logging to people, water quality, and infrastructure. Work out the details.
3

4 Betsy Brinson, 1811 C Street, stated adequately fund courts. She is a family law
5 attorney and volunteers. At this time, guardians ad litem are not funded. She read from a
6 Child Protective Services (CPS) report regarding one of her domestic cases. Adequate
7 funding for GAL prevents children from living in deplorable, unhealthy environments.
8

9 Dennis Jones, 2353 Sudden Valley, submitted handouts (*on file*) and described his
10 background. There is a case in the City of Salem against Benton County regarding
11 stormwater runoff. He supports the reconveyance. It is \$23 million worth of property. It's
12 exactly where they want to put water inputs. He thanked County staff. A cost of \$291,000
13 is less than the water district paid for legal advice. The cost per year is \$2.20 per person in
14 Whatcom County.
15

16 Paula McCanliss, attorney, stated she is speaking for her clients, who are seeing the
17 effects of inadequate funding for Superior Court. Many cases aren't able to go to court.
18 Hearings aren't scheduled. The Council should adequately fund Superior Court. Custody,
19 child support, and property conflict cases can be resolved. She was recently bumped from
20 three trials. They are older cases that have already been bumped. If cases aren't resolved,
21 problems compound.
22

23 Cheryl Buchanon, 912 Sumas Avenue, Sumas, stated she is a survivor of domestic
24 violence. The County programs give people like her and her children a chance. Without a
25 chance to survive her abuser, she wouldn't be here today. It's due to the judge and
26 probation provider. These aren't easy jobs. They save many lives. Cutting funding and
27 jobs also cuts peoples' lives.
28

29 Andreas Lopez, 2041 Yew Street Road, Bellingham, stated he was convicted of
30 domestic violence 14 months ago. Without the counseling and structure that probation
31 provided, he would not have seen things differently. He is changed for the better. He is
32 fortunate that his wife and children stayed with him. At first, he didn't think he had a
33 problem. He knows now he has a problem. His probation meetings are very beneficial. He
34 needed it, or he would not have changed. His probation officer is there for him. Don't cut
35 funding.
36

37 Darlene Peterson, District Court Probation, stated she has worked for the County
38 since 1991. From a financial standpoint, there are 10.5 officers and two clerical staff in
39 District Court Probation. They are doing everything they can to save money. The two
40 officers they would lose have a combined criminal justice experience of 30 years. Hiring
41 and training a probation officer takes over a year, and is immense financially. It's even
42 more important to keep the officers they have. The only remaining costs that can be cut
43 from the probation department are to staff.
44

45 Jake Wiebusch, Domestic Court Probation, stated the domestic violence unit would
46 be eliminated by the proposed cuts. He and another employee would be cut. He described
47 the domestic violence unit responsibilities and processes. Jail can be a wakeup call, but this
48 is learned behavior that requires treatment and intense supervision. It's inspiring to see
49 clients speak tonight and to complete their probation successfully.
50

51 Colleen Clerk, 2404 St. Paul Street, Bellingham, stated that without accountability,
52 her mother would not have survived domestic violence. Offenders must be held

1 accountable, not just do the time. Her mother's safety and the safety of others who are
2 just now getting help is in jeopardy right now.
3

4 Jonathon Hamilton, citizen, stated he is a repeat domestic violence offender. In the
5 beginning, he fooled the system. The second time through the system, he paid more
6 attention and learned the right tools to stay abuse-free. He is a role model for his children.
7 Without people like the service providers, his son will become an abuser. He doesn't want
8 his son to be an abuser or his daughters to be abused. He wants to know what he can do to
9 make a difference to the community. He takes responsibility for his actions.
10

11 Peter Willig, 4402 Y Road, stated he has been involved in Lake Whatcom water
12 quality issues for many years. He described his background. Mature conifer forest is the
13 best land use that can be devised to protect drinking water quality. Decisions on the Lake
14 Whatcom watershed land uses should be local. Whatcom County's priorities are different
15 from the State's priorities. Approve the reconveyance. He described a DNR timber harvest.
16 They need the reconveyance.
17

18 Mary Dickinson, Bellingham, submitted a letter (*on file*) and stated she thanks the
19 councilmembers and the administration for answering her questions and understanding the
20 importance of the court funding issue.
21

22 Lois Garlick, 3014 Lynn Street, Bellingham, stated she supports the Lake Whatcom
23 watershed reconveyance. It is a public health issue. It makes financial sense to have clean
24 water. Whatever they do, keep a tight rein on buildings and codes department. The
25 reconveyance is a good plan.
26

27 Tim Paxton, 2120 Ellis Street, submitted a handout (*on file*) and stated he supports
28 the reconveyance of Lake Whatcom. Many people in Bellingham purchase bottled water.
29 Support the reconveyance. The County can manage the land better than DNR.
30

31 Delmond Harden, District Court Probation Officer, stated he is a domestic violence
32 unit member in District Court Probation. They provide many services. They are a referral
33 service to meals, showers, living situations, and other basic services. They support victims.
34 There are many services that he and his colleagues do that go unnoticed. They work
35 together in staff groups to develop plans for individuals to get back on their feet and meet
36 court requirements. Consider all those services when making their funding decision.
37 Probation is their first line of defense in creating community safety.
38

39 Rayleen King, 3995 Bay Road, Ferndale, stated she has been a citizen of the county
40 for 37 years. The probation department is an asset to the community for keeping the
41 community safe. Continue funding. She described the probation department programs and
42 services. These programs and services keep her family safe.
43

44 Mel Marcoux, 6121 Kickerville Road, stated he thanks the Council for reconsidering
45 the septic tank rules and regulations. Initially, the Health Department said the inspections
46 by a professional were State mandated. This isn't true. Residents can inspect their own
47 systems after taking a class. Other counties issue low interest loans of one to three
48 percent, with a lien on the property, and paid over 20 years via property tax payments.
49 This will save a lot of hardship on people.
50

51 Caskey-Schreiber stated the stories and testimony have been compelling. She's
52 thankful they have such dedicated County employees who are turning around peoples' lives.

1 She applauds the offenders for taking responsibility and the victims for coming forward to
2 advocate.

3
4 **PUBLIC HEARINGS**

5
6 **1. RESOLUTION REGARDING A PETITION FOR THE VACATION OF A PORTION
7 OF EDWARDS DRIVE, FILED BY DAVID DUNCAN, ET AL (AB2009-260A)**

8
9 Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

10
11 ***Brenner moved*** to approve the resolution.

12
13 The motion carried by the following vote:

14 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
15 Weimer (7)

16 **Nays:** None (0)

17
18 **2. RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF PROPERTY WITHIN
19 THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT
20 NO. 2 (MARINELAND LIGHTING DISTRICT) AND REMANDING ROLL TO THE
21 COUNTY TREASURER FOR COLLECTION (AB2009-360B)**

22
23 *(Clerk's Note: Council acting as the Whatcom County Board of Equalization.)*

24
25 Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

26
27 ***Brenner moved*** to approve the resolution.

28
29 The motion carried by the following vote:

30 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
31 Weimer (7)

32 **Nays:** None (0)

33
34 **3. RESOLUTION ADOPTING THE 2010 BUDGET FOR THE WHATCOM COUNTY
35 FLOOD CONTROL ZONE DISTRICT AND SUBZONES (AB2009-409)**

36
37 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District
38 Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion
39 of the meeting.)*

40
41 Weimer opened the public hearing and, hearing no one, closed the public hearing.

42
43 ***Nelson moved*** to approve the resolution.

44
45 Crawford asked if this includes the increased tax revenue the Council supported.

46
47 Jon Hutchings, Public Works Department, stated it does.

48
49 Crawford stated he is against the motion for reasons previously stated.

50
51 Kelly asked if this reflects recent discussions during the Surface Water work session.
52 Hutchings stated it does. He explained the budget process for this item. This budget is
53 based on the three cent tax increase implemented in 2009.

1
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

4 **Nays:** Crawford and Nelson (2)

5
6 **4. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM**
7 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2010 (AB2009-410)**

8
9 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
10 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*
11 *of the meeting.)*

12 Weimer opened the public hearing and, hearing no one, closed the public hearing.

13 **Caskey-Schreiber moved** to approve the resolution.

14 Crawford stated he is against the motion for previously-stated reasons.

15 Brenner asked for clarification.

16
17 Jon Hutchings, Public Works Department, referenced packet page 281 and stated the
18 rate is the same from 2009.

19 The motion carried by the following vote:

20 **Ayes:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

21 **Nays:** Brenner, Crawford and Nelson (3)

22
23
24 **5. ORDINANCE AUTHORIZING A SHIFT OF \$1,750,000 FROM THE ROAD LEVY**
25 **TO THE GENERAL FUND LEVY FOR 2010 PURSUANT TO RCW 84.52.043**
26 **(AB2009-411)**

27 Fleetwood opened the public hearing and the following person spoke:

28 Pat Alesse, 4825 Alderson Road, Birch Bay, stated move the \$1.75 million from the
29 road fund to the general fund.

30 **Kelly moved** to close the public hearing, and leave the written record open until a
31 later date.

32 There was discussion on process questions about when to close the public record and
33 address these items.

34 Nelson stated leave the written record open to November 24.

35 **Kelly** accepted the date and **restated the motion** is to close the public hearing, and
36 leave the written record open until November 24.

37 The motion carried by the following vote:

38 **Ayes:** Brenner, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

39 **Nays:** Caskey-Schreiber (1)

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41
42 **6. ORDINANCE LIMITING THE 2010 ROAD FUND PROPERTY TAX LEVY**
43 **(AB2009-412)**

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Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

Kelly moved to leave the written record open until November 24.

The motion carried by the following vote:

Ayes: Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (7)

Nays: None (0)

7. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY CONSERVATION FUTURES PURPOSES FOR 2010 (AB2009-413)

Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

Kelly moved to leave the written record open until November 24.

The motion carried by the following vote:

Ayes: Brenner, Crawford, Fleetwood, Kelly, Nelson, Weimer and Caskey-Schreiber (7)

Nays: None (0)

8. ORDINANCE LIMITING THE 2010 GENERAL FUND PROPERTY TAX LEVY (AB2009-414)

Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

Kelly moved to leave the written record open until November 24.

The motion carried by the following vote:

Ayes: Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (7)

Nays: None (0)

9. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE PURPOSES IN WHATCOM COUNTY FOR THE YEAR 2010 (AB2009-415)

Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

Kelly moved to leave the written record open until November 24.

The motion carried by the following vote:

Ayes: Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (7)

Nays: None (0)

10. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD PURPOSES FOR 2010 (AB2009-416)

Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

Kelly moved to leave the written record open until November 24.

1 The motion carried by the following vote:

2 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
3 Weimer (7)

4 **Nays:** None (0)

5
6 **CONSENT AGENDA**

7
8 **Crawford** reported for the Finance and Administrative Services Committee and
9 **moved** to approve Consent Agenda items one through six.

10
11 The motion carried by the following vote:

12 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
13 Weimer (7)

14 **Nays:** None (0)

- 15
16 1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
17 CONTRACT BETWEEN WHATCOM COUNTY AND ACS-ENTERPRISE
18 SOLUTIONS FOR THE PURPOSE OF UPGRADING THE COUNTY AUDITOR
19 RECORDING SYSTEM SCANNING ABILITY, IN THE AMOUNT OF \$24,000
20 (AB2009-425)
21
22 2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-61
23 TO LOW BIDDER AURORA TACTICAL, LLC FOR THE PURCHASE OF TWENTY
24 MONOCULAR NIGHT VISION DEVICES, IN THE AMOUNT OF \$66,076.50
25 (AB2009-426)
26
27 3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-72
28 AND ENTER INTO A CONTRACT WITH LOW BIDDER VERTICAL, INC. FOR
29 ALTERATIONS TO THE CIVIC CENTER BUILDING, IN THE AMOUNT OF
30 \$885,034.50 (AB2009-427)
31
32 4. REQUEST APPROVAL FOR THE SHERIFF'S OFFICE TO PURCHASE A WIRELESS
33 REMOTE FOR THE BOMB ROBOT FROM SOLE VENDOR REMOTEC, INC., IN THE
34 AMOUNT OF \$61,373.03 (AB2009-428)
35
36 5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN
37 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH WHATCOM
38 CONSERVATION DISTRICT REGARDING THE CPAL PROGRAM TO IMPLEMENT
39 A COST-SHARE PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO
40 LANDOWNERS IN IMPLEMENTATION OF FARM PLANS, IN THE AMENDED
41 AMOUNT OF \$25,000 (AB2009-213A)
42
43 6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A
44 CONTRACT BETWEEN WHATCOM COUNTY AND VANDERVEEN FAMILY
45 TRANSPORT, INC. FOR CEDARVILLE LANDFILL LEACHATE HAULING, IN THE
46 AMOUNT OF \$30,000 (AB2009-429)
47

48 **OTHER ITEMS**

- 49
50 1. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, SECOND
51 REQUEST, IN THE AMOUNT OF \$3,440,693 (AB2009-419)
52

1 **Crawford** reported for the Finance and Administrative Services Committee and
2 stated this item is held for a Committee of the Whole meeting in two weeks. He **moved** to
3 hold in Committee of the Whole (COTW) for two weeks.

4
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
7 Weimer (7)

8 **Nays:** None (0)

9
10 **2. RESOLUTION ADOPTING THE WHATCOM COUNTY 2010 ANNUAL**
11 **CONSTRUCTION PROGRAM (AB2009-393)**

12
13 **Crawford** reported for the Finance and Administrative Services Committee and
14 **moved** to approve the resolution.

15
16 The motion carried by the following vote:

17 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
18 Weimer (7)

19 **Nays:** None (0)

20
21 **3. RESOLUTION AMENDING THE 2010 WHATCOM COUNTY FLOOD CONTROL**
22 **ZONE DISTRICT BUDGET, FIRST REQUEST, IN THE AMOUNT OF \$59,140**
23 **(AB2009-420)**

24
25 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
26 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*
27 *of the meeting.)*

28
29 **Crawford** reported for the Finance and Administrative Services Committee and
30 **moved** to approve the resolution.

31
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
34 Weimer (7)

35 **Nays:** None (0)

36
37 **4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A 9/5**
38 **MAINTENANCE AND QUARTERLY PREVENTATIVE MAINTENANCE AGREEMENT**
39 **BETWEEN WHATCOM COUNTY AND IDENTIX BIOMETRIC SOLUTIONS FOR**
40 **THE ELECTRONIC FINGERPRINT MACHINES, IN THE AMOUNT OF \$26,056.28**
41 **(AB2009-422)**

42
43 **Crawford** reported for the Finance and Administrative Services Committee and
44 **moved** to approve the request.

45
46 The motion carried by the following vote:

47 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
48 Weimer (7)

49 **Nays:** None (0)

50
51 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
52 **CONTRACT BETWEEN WHATCOM COUNTY AND BROWN AND CALDWELL**
53 **ENVIRONMENTAL ENGINEERING & CONSULTANTS FOR LAKE WHATCOM**

1 **TRIBUTARY MONITORING 2010-2011, IN THE AMOUNT OF \$349,514**
2 **(AB2009-423)**
3

4 **Crawford** reported for the Finance and Administrative Services Committee and
5 **moved** to approve the request.
6

7 The motion carried by the following vote:

8 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
9 Weimer (7)

10 **Nays:** None (0)

11
12 **6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
13 **SPONSOR CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON**
14 **STATE DEPARTMENT OF ECOLOGY FOR A WASHINGTON CONSERVATION**
15 **CORPS CREW IN PARTNERSHIP WITH NSEA FOR HABITAT RESTORATION**
16 **AND PUBLIC EDUCATION PROJECTS FOR SALMON RECOVERY, WATER**
17 **QUALITY, SHELLFISH PROTECTION AND STORMWATER PRIORITIES, IN THE**
18 **AMOUNT OF \$61,500 (AB2009-424)**
19

20 **Crawford** reported for the Finance and Administrative Services Committee and
21 **moved** to approve the request.
22

23 The motion carried by the following vote:

24 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
25 Weimer (7)

26 **Nays:** None (0)

27
28 **6A. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
29 **INTERAGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT**
30 **OF NATURAL RESOURCES FOR SERVICES RELATED TO PREPARING A**
31 **RECONVEYANCE TO THE COUNTY OF CERTAIN STATE FOREST LANDS**
32 **WITHIN THE LAKE WHATCOM WATERSHED FOR PARK PURPOSES, IN AN**
33 **AMOUNT NOT TO EXCEED \$291,000 (AB2009-437)**
34

35 **Crawford** reported for the Finance and Administrative Services Committee and
36 stated this item comes forward with no committee recommendation. For the sake of
37 discussion, he will **move** to approve the request.
38

39 Brenner stated everyone wants to protect Lake Whatcom. If she thought it would
40 make a measurable difference, she would support this item. The Department of Ecology
41 said the impacts from recent logging on the watershed were negligible, and the biggest
42 impact by far was development. This is not developable property. They have to spend their
43 money on buying developable property rights. Make sure the State adheres to the Lake
44 Whatcom Landscape Plan. This reconveyance will also convey a lot of liability and also
45 maintenance and operation costs. More than half the land can't be logged because of the
46 Landscape Plan. People from Seattle are already calling her wanting to know when the park
47 will open. Because of the money they've taken to do something like this, the County will
48 have to advertise this as a public park. At this point, there's no way the County can do as
49 adequate a job as the State in maintaining the land. She disagrees that new forestry
50 practices are the culprit in the Lake Whatcom watershed. The older practices were a
51 problem, but not the newer practices. She attends Farm Forestry tours several times per
52 year. The new practices are amazing. Logging roads have to be built to a certain standard.
53

1 Crawford stated there has been discussion about an annual cost of \$150,000.

2
3 Mike McFarland, Parks and Recreation Department Director, stated that is correct.
4 They estimate an annual cost of about \$150,000 to manage the trails, cleanup, fire
5 protection, and various other things.
6

7 Crawford asked if that cost includes any staff costs. McFarland stated there are
8 already a number of properties in the watershed. The bulk of the maintenance and upkeep
9 is on the trailheads, which they are already responsible for. They anticipate one full-time
10 equivalent (FTE) ranger position and two seasonal FTE's, with the backup of existing
11 maintenance crew and staff during the off-season.
12

13 Crawford asked if there will be camping. McFarland stated there will be backpacking-
14 only camping areas, similar to what is at Pine and Cedar Lakes.
15

16 Crawford asked about restrooms and drinking water facilities. McFarland stated
17 drinking water facilities and restrooms will be available at the trailhead. Areas designated
18 for camping can be taken care of with a porta-potty. They won't put water facilities in a
19 rustic campsite. The trailheads and access points will have restrooms and parking.
20

21 Crawford stated they aren't talking about any substantial infrastructure investment.
22 He asked if they envision this cost being the last six figure cost for this item. He asked if
23 future expenses will be a lot less than this. McFarland stated this cost is for the timber and
24 real estate appraisals and DNR's paperwork cost to block the reconveyance. This cost is
25 essentially the cost to transfer the property to Whatcom County. Development of that
26 property, including work on the trails and possible road issues, will need to be worked
27 through during the next 18 to 20 months. Many trails will follow existing roads that will be
28 abandoned to some degree. Many trails are developed in-house or with volunteers. The
29 costs are relatively low. There would be a cost for bridges, but they are eligible for grant
30 funds. They already own the trailheads and access sites, which are already functioning as
31 small regional parks. There is no development on the actual lands that will be reconveyed,
32 with the exception of the trails and designated areas for camping. It's consistent with a
33 number of plans. It's a priority of the Executive. It is a priority of the Parks Department, in
34 terms of connecting all the parks within the watershed and linking to the City of Bellingham
35 greenways.
36

37 Caskey-Schreiber stated it's vitally important to maintain a forest canopy in the
38 watershed. It's the best way to get clean water to filter to the lake. The cost of this project
39 is less than the \$6 million the County spent in trying to recreate a natural filtration system
40 in the area of Cable Street. This cost is much less. The goal is to keep phosphorus out of
41 the lake. If they harvest the lands on unstable slopes, sediment and exposed dirt will carry
42 phosphorous to the lake. It will feed phosphorus and sediment to the lake and create a
43 perfect environment for algae to grow. Every major watershed in the Northwest has an
44 intact forest canopy around the reservoir. She talked to Steve Hood at length about the
45 Ecology report, because it was confusing. Because logging has occurred historically, they're
46 not factoring it into the total maximum daily load (TMDL) study as much. They're talking it
47 as a given factor that can't be controlled. It was a very twisted logic. The scientists she
48 talked to at Western Washington University totally disagree. They all state emphatically
49 that the best thing they can do for any freshwater lake is to have an intact forest canopy, to
50 allow water to filter through the ground and not hit it all at once. Development has
51 impervious surfaces. During a big rain event, pollution goes directly into the lake.
52 Development is a problem. However, this is just as important as anything. The Lake
53 Whatcom Landscape Plan is good, but still allows over 100 acres of clearcutting and 40

1 miles of new logging roads on potentially unstable slopes. DNR explained all the hazards of
2 land shifting, despite their best intentions. They have a lot more houses below this
3 forestland than they ever have in the past. The horrors of 1983 can't be prevented unless
4 they keep the soils on that slope unexposed. This is the least expensive way to do that.
5 This is the best investment for the citizens of the county. They don't have another water
6 source.

7
8 Weimer stated he supports the motion. During the last couple of Joint Lake
9 Whatcom meetings with the Bellingham City Council, Lake Whatcom Water and Sewer
10 District, and part of the Natural Resources Committee, they heard about a number of
11 issues. There's growing evidence that logging generates a significant amount of phosphorus
12 contribution in the lake. Development is the big issue they have to work on, but this is one
13 way to take care of the logging. DNR made a presentation recently on problems in the
14 South Fork Valley. Similar things have happened in the Lake Whatcom watershed. This is
15 one way to prevent problems. The forest and fish law has been in place for ten years, and
16 ran out this year. The DNR provided water quality assurances, but did no studies to confirm
17 that the forest and fish law actually protects water. In actual fact, they're starting to say
18 that it doesn't protect the water. However, they've renewed those assurances, even though
19 they don't intend to move forward. This is the one clear way the County can take control of
20 and protect this land.

21
22 Crawford asked if funding comes from the Conservation Futures fund to reimburse
23 the County general fund for this cost, once the property is reconveyed.

24
25 Dewey Desler, Deputy Administrator, stated this item is for the initial work, which
26 the general fund would pay for. When the Council actually reconveys the property, they
27 would use conservation futures funds to repay the general fund at that time. The
28 conservation futures fund will reimburse this cost if the reconveyance goes through. If the
29 reconveyance doesn't go through, it would be an expense to the general fund that would
30 not be reimbursed.

31
32 Brenner stated a scientist at Western Washington University said that all logging is
33 detrimental to the environment. Those kinds of statements are inflammatory. The
34 Department of Ecology officially said that logging is not a significant source of phosphorous
35 in the watershed. There are already controls for roads on unstable slopes. They can't log
36 on unstable slopes. Use the money to buy development rights. There are many needs in
37 the budget. They are able to use the watershed right now, without having to advertise it to
38 the world as a public park. There's no way the County can maintain 8,000 acres. The
39 County can do some monitoring to make sure the DNR complies with the Landscape Plan, if
40 they're worried about it. They have to set priorities. She is against the motion.

41
42 Crawford asked how this amount will be billed over the next 20 to 24 months. He
43 asked if they can put the brakes on it in a few months, if necessary. McFarland stated the
44 contract has a termination clause that addresses billing. The process will not be billed
45 evenly, but as costs accrue. The bulk of the billing will be up front, as appraisals are done.

46
47 Pete Kremen, County Executive, stated this has been the administration's priority for
48 a long time. He doesn't take the issue lightly. He supports logging and forestry practices.
49 It's part of their history and economy. This is a monumental action on the part of the
50 County. It's not just to protect Lake Whatcom. Creating a park is a byproduct. It will
51 preserve 8,400 acres that will become an old growth forest within five to ten minutes of a
52 major metropolitan area for people to enjoy in a low impact fashion. It will be saved for
53 posterity. It will provide assurances they will more adequately protect Lake Whatcom than

1 if they don't do this. For this relatively small amount of money, it is a huge investment to
2 pay dividends for many years to come. He would like unanimous support of the Council.
3 Future generations will thank them for having the foresight and courage to make this bold
4 move.
5

6 Nelson stated councilmembers have debated this for a long time. He thanks the
7 administration for putting together an advisory committee that included forestry
8 representatives. Given the budget concerns, this is not the right time to take that kind of
9 money from the general fund. Now, they can't even find money to pay for the services
10 about which they heard testimony tonight. This community is suffering. Creating large
11 acres of park land or protected forestland is not the right answer at this time. Think about
12 the people who have testified and ask if this is the right time. They've been trying to
13 protect agricultural lands, but they have impacts on water quality. Find ways to work with
14 the natural resource community instead of taking away more natural resources.
15

16 Caskey-Schreiber stated it's important to protect forest management lands. It is
17 more important to protect a drinking water reservoir. The next upgrade to the water
18 treatment facility will cost close to \$30 million. This is a small ounce of prevention. They
19 do many stormwater retrofitting projects that cost much more. All the science says the best
20 thing is to slow the velocity of stormwater hitting the lake. It would take hundreds of years
21 to recover from a landslide into the lake. Having an unsecure water source will drive away
22 new business.
23

24 Desler stated this is a very high priority for the administration. One alternative is to
25 consider lowering the conservation futures levy by \$291,000 and increasing the general
26 fund levy by that amount, which may satisfy concerns.
27

28 Nelson stated Lake Whatcom is impacted by human use, not by forestry. To make
29 the most impact, work with the population that surrounds Lake Whatcom at this time.
30

31 Brenner stated stormwater retrofits are only about development. There's no
32 development in that area of the watershed. Good forestry practices are excellent in any
33 watershed. Very few of the landslides in Acme had to do with logging. The ones that were
34 involved were older logging practices. The problem in Acme is totally different.
35

36 The motion carried by the following vote:

37 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly and Weimer (5)

38 **Nays:** Brenner and Nelson (2)
39

40 **7. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S CONCURRENT**
41 **APPOINTMENT OF GARY WILLIAMS TO THE BELLINGHAM-WHATCOM**
42 **COUNTY HOUSING AUTHORITY'S BOARD OF COMMISSIONERS (AB2009-**
43 **430)**
44

45 ***Nelson moved*** to confirm the appointment.
46

47 The motion carried by the following vote:

48 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
49 Weimer (7)

50 **Nays:** None (0)
51

1 **8. REQUEST CONFIRMATION OF COUNTY EXECUTIVE APPOINTMENTS OF DAN**
2 **GRAHAM, ALEX NEPHEW AND GUY OCCHIOGROSSO TO THE LODGING TAX**
3 **ADVISORY COMMITTEE (AB2009-431)**

4
5 *Brenner moved* to confirm the appointments.

6
7 The motion carried by the following vote:

8 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
9 Weimer (7)

10 **Nays:** None (0)

11
12 **9. APPOINTMENT TO FILL VACANCY ON THE NORTH LYNDEN WATERSHED**
13 **IMPROVEMENT DISTRICT, APPLICANT: DARRYL VANDERHAAK (AB2009-**
14 **134A)**

15
16 *Caskey-Schreiber moved* to appoint Darryl Vanderhaak.

17
18 The motion carried by the following vote:

19 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
20 Weimer (7)

21 **Nays:** None (0)

22
23 **INTRODUCTION ITEMS**

24
25 *Brenner moved* to accept the Introduction Items, including the substitute pages for
26 Introduction Items two and eight.

27
28 Caskey-Schreiber asked to delay discussion of introduction item nine until the new
29 Council is in place. Schedule that item for discussion and action in January. The next two
30 Council meetings are packed.

31
32 Brenner agreed to the delay.

33
34 The motion carried by the following vote:

35 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
36 Weimer (7)

37 **Nays:** None (0)

38
39 **1. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON**
40 **APL2008-0037, FILED BY DANNON TRAXLER ON BEHALF OF PAUL VAN DE**
41 **VELDE, REGARDING NOTICE OF VIOLATION OF SHORELINE MANAGEMENT**
42 **PROGRAM (AB2009-397)**

43
44 **2. ORDINANCE AMENDING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM**
45 **APPENDIX F OF THE WHATCOM COUNTY COMPREHENSIVE PLAN (AB2009-**
46 **432)**

47
48 **3. ORDINANCE AMENDING WCC 3.37, SECTION 3.37.050 "USE OF FUNDS", TO**
49 **INCORPORATE ADDITIONAL SUPPLANTATION LANGUAGE (AB2009-433)**

50
51 **4. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET, TWELFTH**
52 **REQUEST, IN THE AMOUNT OF \$97,959 (AB2009-434)**

- 1 5. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, THIRD
2 REQUEST, IN THE AMOUNT OF \$278,375 (AB2009-435)
3
4 6. RECEIPT OF REQUEST TO SCHEDULE A NOVEMBER 24, 2009, PUBLIC
5 HEARING FOR THE COUNTY COUNCIL TO RECEIVE TESTIMONY FROM
6 APPLICANTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR
7 2010 (AB2009-436)
8
9 7. ORDINANCE AMENDING WHATCOM COUNTY CODE (WCC) TITLE 3 TO
10 ESTABLISH WCC 3.46, AFFORDABLE HOUSING INCENTIVE FUND (AB2009-
11 421)
12
13 8. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20, THE OFFICIAL
14 WHATCOM COUNTY ZONING MAP, AND THE WHATCOM COUNTY
15 COMPREHENSIVE PLAN AND MAPS, TO IMPLEMENT CHANGES RELATING TO
16 COMPLETION OF THE 10 YEAR REVIEW OF THE URBAN GROWTH AREAS
17 REQUIRED UNDER THE GROWTH MANAGEMENT ACT (AB2009-052G)
18
19 9. ORDINANCE STAYING PRO-ACTIVE ENFORCEMENT OF WHATCOM COUNTY
20 CODE 24.05, ON-SITE SEWAGE SYSTEM REGULATIONS, IN CASES WHERE
21 PROPERTY-OWNERS ARE OTHERWISE NOT TRANSFERRING TITLE OR
22 CONVEYING REAL ESTATE (AB2009-135)
23

24
25 **OTHER BUSINESS**

26
27 There was no other business.
28

29
30 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

31
32 There were no reports or other items.
33

34
35 **ADJOURN**

36
37 The meeting adjourned at 10:12 p.m.
38
39
40

Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us

49
50
51 _____
Dana Brown-Davis, Council Clerk

Seth Fleetwood, Council Chair